

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

EDWARD BENNETT,

Plaintiff,

vs.

LASHEDDA JOHNSON, et al.,

Defendants.

Case No.09-CV-612-TCK-FHM

OPINION AND ORDER

Plaintiff's Motion to Compel Discovery Request [Dkt. 108] and Plaintiff's Request for Motion Regarding Sufficiency of Answers/Objections [Dkt. 109] are DENIED.

The motions do not contain a certificate of service as required by Fed. R. Civ. P. 5(d). Nor do the motions otherwise indicate that they were served on counsel for Defendants.¹ Defendants have not filed a response, which further indicates that they have not received the motions. Under these circumstances the motions cannot be granted.²

SO ORDERED this 12th day of August, 2011.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE

¹ The attachments to the Motion to Compel [Dkt. 108, p. 2] are unreadable.

² Motions for orders compelling discovery "must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action." Fed. R. Civ. P. 37(A)(1). Local Civil Rule 37.1 provides that the court will refuse to hear motions for discovery that do not advise that counsel have personally met and conferred in good faith and, after a sincere attempt to resolve difference, they have been unable to reach an accord. The subject motions do not contain the required certification.